

The *Application for Funding* (Form SAB 50-04) reflects single strikethrough and single underlines that were previously approved by the Board on October 16, 2014. All double underlines require Board action as of February 25, 2015.

Amend Regulation Section 1859.2

Section 1859.2. Definitions.

"Form SAB 50-04" means the *Application for Funding*, Form SAB 50-04 (Revised ~~05/14~~02/15), which is incorporated by reference.

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Amend Regulation Section 1859.70.4

Section 1859.70.4. Available Funding for High Performance.

The Board shall set aside \$100 million pursuant to Education Code Section 101012(a)(8) for the costs of designs and materials that promote in new construction and modernization projects, the efficient use of energy and water, the maximum use of natural lighting and indoor air quality, the use of recycled materials and materials that emit a minimum of toxic substances, the use of acoustics conducive to teaching and learning and other characteristics of high performance schools.

On or after January 1, 2015, the Board shall not approve High Performance Incentive grants pursuant to Education Code Section 17070.965.

Any High Performance funds not yet approved for allocation by the Board by January 1, 2015, or rescinded on or after January 1, 2015, shall be subject to EC Section 101012(a)(8)(B).

Note: Authority cited: Sections 17070.35 and 101012, Education Code.

Reference: Section 101012(a)(8) and 17070.965, Education Code.

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Amend Regulation Section 1859.107

Section 1859.107. Amending and Withdrawal of Applications.

A funding application that received an apportionment under Chapter 12 or Chapter 12.5 may not be rescinded and re-approved under the provisions of any amended law or administrative regulation unless specifically authorized by other applicable law.

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The resubmitted application will receive a new processing date by the OPSC.

At the option of the district, an Approved Application for Career Technical Education Facilities Project Funding submitted to OPSC prior to January 1, 2012 may be resubmitted for the purpose of requesting the funding as prescribed in Section 1859.71.6 or Section 1859.77.4, as applicable. To request that funding, the district must submit an amended Form SAB 50-10 at least 90 days prior to requesting an Apportionment pursuant to Section 1859.90.1 or 1859.90.2 or receiving an Apportionment pursuant to Section 1859.195. The amended application shall retain its original OPSC processing date. This paragraph is subject to EC Sections 17070.965 and 17078.73.

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Note: Authority cited: Sections 17070.35, 17078.72(l), Education Code.

Reference: Sections 17070.35, 17070.63, 17070.965, 17074.15, 17074.16, and 17074.56; and 17078.73, Education Code.

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Amend Regulation Section 1859.164.2

Section 1859.164.2. Preliminary Charter School Apportionment Fund Release.

A Charter School receiving a Preliminary Charter School Apportionment from the Board after July 2, 2003 may request an advance release of funds for either of the following:

- (a) A separate advance release of funds for design equal to 20 percent of the amount determined in Section 1859.163.1(a)(1) through ~~(98)~~ and Section 1859.163.1(c)(1) and (2) or Section 1859.163.5(a)~~(1)~~ through ~~(g6)~~ and Section 1859.163.5(b)(1) and (2).
- (b) A separate advance release of funds for site acquisition once the requirements in Section 1859.81.1(a)(2) and (3) are met for an amount not to exceed the Preliminary Charter School Apportionment for site acquisition. The Board shall release to the Charter School an amount up to the Preliminary Charter School Apportionment determined in Section 1859.163.1(b).

Qualified Charter Schools may request a separate advance release of funds for the design and for the site acquisition for the same project. A Charter School seeking an advance release of funds pursuant to (a) and/or (b) must have been deemed and maintained financial soundness status from the Authority. Subject to the availability of financing provided by the Pooled Money Investment Board for bond-funded projects, the OPSC will release State funds included in a Preliminary Charter School Apportionment pursuant to (a) or (b) to the Charter School after submittal of the Form SAB 50-05. The OPSC shall not release funds in excess of the Preliminary Charter School Apportionment. State funds released from a Preliminary Charter School Apportionment pursuant to this Section shall be subject to the provisions in Section 1859.166. Once the Preliminary Charter School Apportionment is converted to a Final Charter School Apportionment pursuant to Section 1859.167, the Charter School may request a release of the remaining funds as prescribed in Section 1859.90 or 1859.90.2. Prior to the release of any funds, the Charter School Agreements must be executed.

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17078.53 and 17078.58, Education Code.

Amend Regulation Section 1859.190

Section 1859.190. General.

An applicant seeking Career Technical Education Facilities Project funding pursuant to the provisions of Education Code Section 17078.72, shall complete and file Form SAB 50-10.

An applicant may submit multiple Career Technical Education Facilities applications for different career technical education projects located at a single school site, pursuant to Education Code Section 17078.72(e), (f), and (i).

Modernization of facilities under Article 16 shall not affect the Modernization Eligibility of the facility pursuant to Section 1859.60.

On or after January 1, 2015, the Board shall not approve any Career Technical Education Facility projects pursuant to Education Code Section 17078.73

Any Career Technical Education Facilities funds not yet approved for allocation by the Board on by January 1, 2015, or rescinded after January 1, 2015, shall be subject to EC Section 101012(a)(4)(B).

Note: Authority cited: Sections 17070.35 and 17078.72(k), Education Code.

Reference: Sections 17078.72, 17078.73, and 101012(a)(4), Education Code.

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Amend Regulation Section 1859.195

Section 1859.195. Career Technical Education Facilities Project Apportionment.

The Board shall apportion Career Technical Education Facilities Funds in the following manner:

(a) The Board may apportion up to a maximum of \$350 million for applications received in the first Career Technical Education Facilities funding cycle ending October 31, 2007.

(1) The amount of \$250 million shall be distributed proportionally to the Service Regions based on the high school enrollment within each Service Region. The proportional distribution of funds shall be determined by the current year CBEDS enrollment.

(2) If funding requested on qualifying applications exceeds the funds allotted to any Service Region, the amount of \$100 million shall be available for apportionment to the highest ranked projects regardless of Service Region.

(b) The Board may apportion up to the sum of \$150 million plus any funds not apportioned in the first cycle for applications received in the second Career Technical Education Facilities funding cycle ending April 30, 2008.

(1) The amount of \$150 million plus any funds remaining from (a)(2) shall be distributed proportionally to each of the Service Regions based on the high school enrollment within each Service Region.

(2) Any unused funds distributed under (a)(1) shall be added to the amount determined for each Service Region in (b)(1).

(3) The cumulative apportionments in each Service Region may not exceed the amount determined in (1) and (2) except as described in Section 1859.196(b).

(c) On or after January 1, 2015, the Board may no longer apportion any or all remaining available Career Technical Education Facilities funds in subsequent cycles, as deemed necessary and practical by the Board pursuant to EC Section 17078.73.

Note: Authority cited: Sections 17070.35 and 17078.72(k), Education Code.

Reference: Section 17078.72 and 17078.73, Education Code.

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Amend Regulation Section 1859.198

Section 1859.198. Time Limit on Apportionment and Substantial Progress.

The district is subject to the time limit on the apportionment as outlined in Education Code Section 17076.10 and substantial progress requirements pursuant to Section 1859.105.

On or after January 1, 2015, Any Career Technical Education Facilities Project funds returned due to projects being rescinded or reduced to cost incurred shall no longer be made available for apportionment in subsequent funding cycles pursuant to EC Section 17078.73.

Note: Authority cited: Sections 17070.35 and 17078.72(k), Education Code.

Reference: Sections 17078.72, 17078.73, and 101012(a)(4), Education Code.